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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,427	11/13/2003	Eric Sprunk	D03045	9955
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Motorola, Inc. Law Department 1303 East Algonquin Road 3rd Floor Schaumburg, IL 60196				
EXAMINER				
HOFTMAN, BRANDON S				
ART UNIT		PAPER NUMBER		
2436				
NOTIFICATION DATE		DELIVERY MODE		
04/06/2009		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.US@motorola.com

### Office Action Summary

**Application No.**

10/712,427

**Applicant(s)**

SPRUNK, ERIC

**Examiner**

BRANDON S. HOFFMAN

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 and 24-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 and 24-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

1. Claims 1-19 and 24-28 are pending in this office action; claims 29 and 30 are newly added.
2. Applicant's arguments, filed January 9, 2009, are moot in view of the new ground of rejection.

### *Claim Rejections*

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

### *Claim Rejections - 35 USC § 103*

4. Claims 1, 2, 4-9, 11-19, and 24-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komuro et al. (U.S. Patent No. 7,177,427) in view of Van Rijnsoever et al. (U.S. Patent Pub. No. 200/0090090).

Regarding claims 1, 6, 7, 10, 12, 13, 16, 17, 24, and 26-28, Komuro et al. teaches a method/encoder/decoder/computer-readable medium content transport system, comprising:

- A selector for selecting blocks to be encrypted as secured blocks (fig. 5A, ref. num 412);

- A secure block multi-encryptor, for encrypting said secured blocks, thereby forming a plurality of encrypted **versions of** secured blocks, such that **each** encrypted **version of** secured blocks is decryptable by **only those** destination systems **that are** in the **corresponding** class (fig. 5A, ref. num 418 and 420 and fig. 9);
- A combiner for combining unsecure blocks and **encrypted versions of** secured blocks into a common stream (fig. 5A, ref. num 422);
- A demultiplexer for separating said common stream into blocks that are usable by a destination system and blocks that are not usable by the destination system (fig. 5A, ref. num 442);
- A selective decryptor that decrypts usable **version of** secured blocks for each class, thereby forming decrypted secure block sets for the plurality of classes of the destination systems (fig. 5A, ref. num 448 and 450); and
- A reassembler for reassembling a useful signal stream from any unsecure blocks, and said **version of** secured blocks decrypted by the selective decryptor, wherein an ability to reassemble the useful signal stream relies in part on an ability to decrypt usable **version of** secured block (fig. 5A, ref. num 454 and 456).

Komuro et al. does not teach **using each of a plurality of keys**, for each of a plurality of classes of destination systems, **each key being associated with a corresponding class of destination systems**.

Van Rijnsoever et al. teaches **using each of a plurality of keys**, for each of a plurality of classes of destination systems, **each key being associated with a corresponding class of destination systems** (paragraph 0019).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine using a plurality of keys, each associated with a class of destination device, as taught by Van Rijnsoever et al., with the method of Komuro et al. It would have been obvious for such modifications because this enables only specific devices to receive a data that has been multicast to all devices.

Regarding claim 2, Komuro et al. teaches wherein said source stream is packetized video data (fig. 1).

Regarding claims 4, 8, 15, and 19, Komuro et al. teaches wherein encrypting/decrypting comprises encryption/decryption utilizing at least one of AES, with at least one AES key per class of destination systems, and DES, with at least one DES key per class of destination systems (col. 8, lines 11-14).

Regarding claims 5 and 11, Komuro et al. teaches wherein said blocks are MPEG blocks and said secure blocks represent MPEG I frames (col. 7, lines 20-37).

Regarding claim 9, Komuro et al. teaches further comprising providing **at least one** decryption key for said step of decrypting (fig. 5A, ref. num 452).

Regarding claims 14, 18, and 25, Komuro et al. teaches wherein the reassembler is an MPEG encoder/decoder (col. 6, lines 28-35).

Regarding claim 29, Komuro et al. teaches wherein the first set of blocks and the second set of blocks are identified in accordance with a desired ratio as indicated by a control parameter (col. 1, lines 50-57).

Regarding claim 30, Komuro et al. teaches wherein the portion of said encrypted versions of secured blocks includes and least one encrypted version of secured blocks among the plurality of encrypted versions of secured blocks (col. 7, lines 4-19).

Claims 3 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komuro et al. (USPN '427) in view of Van Rijnsoever et al. (U.S. Patent Pub. No. 2002/0090090), and further in view of Clark et al. (U.S. Patent No. 5,864,747).

Regarding claim 3, Komuro et al./Van Rijnsoever et al. teaches all the limitations of claim 1, above. However, Komuro et al./Van Rijnsoever et al. does not teach further comprising encrypting unsecure blocks such that said unsecure blocks are decryptable

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by each of said plurality of destination systems, if authorized by at least one conditional access system.

Clark et al. teaches further comprising encrypting unsecure blocks such that said unsecure blocks are decryptable by each of said plurality of destination systems, if authorized by at least one conditional access system (col. 6, line 63 through col. 7, line 7).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine encrypting unsecure blocks, as taught by Clark et al., with the method of Komuro et al./Van Rijnsoever et al. It would have been obvious for such modifications because the conditional access system has already authorized the device, thus ensuring the device is capable and allowed to receive encrypted content.

Regarding claim 10, Komuro et al./Van Rijnsoever et al. teaches all the limitations of claim 6, above. However, Komuro et al./Van Rijnsoever et al. does not teach further comprising discarding **a portion of said encrypted versions of secured blocks that is encrypted using at least one key not associated with the class.**

Clark et al. teaches further comprising discarding **a portion of said encrypted versions of secured blocks that is encrypted using at least one key not associated with the class** (col. 9, lines 52-64).

It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to combine discarding blocks from nonnative classes, as taught by Clark et al., with the method of Komuro et al./Van Rijnsoever et al. It would have been obvious for such modifications because discarding a packet that should not be used prevents a user from using it.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection in this office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON S. HOFFMAN whose telephone number is (571)272-3863. The examiner can normally be reached on M-F 8:30 - 5:00.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser G. Moazzami can be reached on 571-272-4195. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Brandon S Hoffman/  
Primary Examiner, Art Unit 2436